

MEMORANDUM ENDORSED



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June 10, 2020

Hon. Gabriel W. Gorenstein
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street Courtroom
New York, New York 10007

Re: Equanna Tashona Dunton v. Charity Hein, et al.
Civ No.: 1:23-cv-08792 (JGK)

Your Honor:

I represent the Defendants in this matter and write to you jointly with plaintiff's counsel to report on the status of the case. We are writing to provide the Court with an update on discovery and request an extension of time to complete expert discovery.

Fact discovery is complete; however, the parties require additional time to conduct expert discovery. Plaintiff was scheduled to be examined by Dr. Jason Baynes on behalf of defendants but the examination was rescheduled to May 31, 2024 due to unforeseen illness of plaintiff. Plaintiff appeared for the examination; however, we have not been able to obtain the report. The vendor is attempting to obtain the report so we may exchange our expert disclosure. Plaintiff's also counsel needs additional time to prepare expert disclosures due to plaintiff's illness. Additional time is also needed to conduct expert depositions. The parties have also engaged in some initial settlement discussions.

This is the first request for an extension of expert discovery. In the event that Your Honor grants the within request for an extension of the fact discovery deadline, attached is a Revised Proposed Scheduling Order for Your Honor's consideration.

Thank you for considering this joint request.

Respectfully yours,

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The parties should not have waited until the expiration of the expert discovery deadline to seek an extension. That being said, the Court will grant an extension as follows: Disclosure of expert evidence as required by Rule 26(a)(2)(A), (B) or (C), including the identities and reports of experts, if any, will be made by August 19, 2024. The disclosure of expert evidence intended by a party solely to contradict or rebut expert evidence on the same subject matter disclosed by the opposing party shall be made by September 9, 2024. Depositions of experts shall be completed by September 30, 2024. Any request for permission to make a summary judgment motion shall be filed by September 30, 2024.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge

June 11, 2024